



PATENT  
Customer No. 22,852  
Attorney Docket No. 06809.0029-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Morton M. MOWER ) Group Art Unit: 3762  
)  
Application No.: 10/654,959 ) Examiner: Holmes, Rex R.  
)  
Filed: September 5, 2003 ) Confirmation No.: 7929  
)  
For: METHOD AND APPARATUS FOR )  
PROVIDING IPSELATERAL )  
THERAPY )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p). This IDS supplements the IDSs filed on March 5, 2004, April 11, 2006, and June 20, 2006.

11/09/2006 SZEWDIE1 00000003 10654959

Copies of the listed foreign and non-patent literature documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and indicate their consideration by making appropriate notation on the attached PTO/SB/08 form.

The relevance of two non-English language documents, CASTELLANOS, A, et al “Evaluacion Clinica De Los Marcapasos Implantados,” (“Castellanos”), and DE TERESA, E., Grandes Temas de la Medicina: Marcapasos, Nueva Lente (“De Teresa”), is set forth below.

Castellanos generally discloses “Clinical Evaluation of Implantable Pacemakers,” and De Teresa generally discloses “Important Themes in Medicine: Pacemakers.”

Applicant points out that he is also submitting full or partial English-language translations of the non-English language documents “D’AIOTOLO et al., “Tratamiento De Las Arritmias Cardiacas,” Buenos Aires (1968) (in Spanish). pp. 1-112” and “SILVA, “Influencia de la Localizacion de la Estimulacion Electrica Ventricular Sobre la Eficiencia Cardiaca. Estudio Experimental Y Clinico,” Tesis Doctoral para la Universidad Autonoma De Madrid Facultad de Medicina (1987), pp. 1-150 (Doctoral Thesis, in Spanish),” which were originally submitted with the IDS filed for this application on April 11, 2006.

Applicant also encloses a copy of a Communication received from the European Patent Office in European application no. 04755341.7 on July 17, 2006, citing documents US 4,712,555, WO 86/05698, EP 0 494 487, EP 0 726 082, and EP 1 249 254. That communication, as well as the cited documents, are also listed on the PTO/SB/08.

Applicant notes that the Examiner crossed out several references listed on the PTO/SB/08 form corresponding to the IDS filed on April 11, 2006 and returned it with the September 27, 2006 Office Action for this application. The Examiner indicated that documents “fail[ed] to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.” Applicant therefore resubmits copies of the references the Examiner crossed out, and notes that these are the best available copies Applicant’s representative was able to obtain.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies any or all of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present the relevant facts and law to the Office regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any or all of the documents be applied against the claims of the present application.

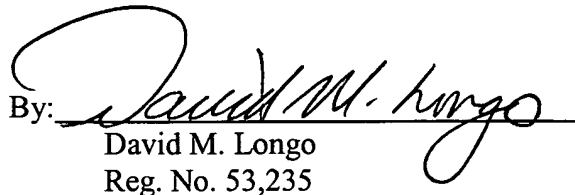
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

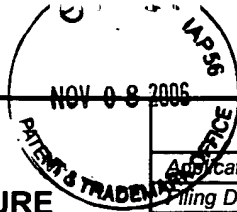
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 8, 2006

By:

  
David M. Longo  
Reg. No. 53,235



IDS Form PTO/SB/08: Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			Application Number	10/654,959	
			Filing Date	September 5, 2003	
			First Named Inventor	Morton M. Mower	
			Art Unit	3762	
			Examiner Name	Holmes, Rex R.	
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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		US-4,559,946	12/24/1985	Mower	
		US-4,641,656	02/10/1987	Smits	
		US-4,386,610	6/7/1983	Leckrone	
		US-4,958,632	9/25/1990	Duggan	
		US-4,998,975	03/12/1991	Cohen et al.	
		US-5,165,403	11/24/1992	Mehra	
		US-5,174,289	12/29/1992	Cohen	
		US-5,385,579	01/31/1995	Helland	
		US-5,403,356	04/04/1995	Hill et al.	
		US-5,551,427	09/03/1996	Altman	
		US-5,755,766	5/26/98	Chastain et al.	
		US-5,800,464	09/01/1998	Kieval	
		US-5,800,465	09/01/1998	Thompson et al.	
		US-5,935,160	8/10/1999	Auricchio et al.	
		US-4,712,555	12/15/1987	Thornander et al.	
		US-4,628,934	12/16/1986	Pohndorf et al.	
		US-6,937,895	8/30/2005	Lu	
		US-5,318,593	6/7/1994	Duggan	
		US-4,561,442	12/31/1985	Vollmann et al.	

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		EP 0 494 487 A2	01/31/1996	Chirife		
		EP 0 726 082 A2	08/14/1996	Pacesetter, Inc.		
		EP 1 249 254 A2	10/16/2002	Pacesetter, Inc.		
		WO 86/05698	10/09/1986	Pacesetter Systems, Inc.		Yes

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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		Translation
		ABRAHAM, WT, et al., "Cardiac Resynchronization in Chronic Heart Failure," <i>N. Engl. J. Med.</i> , Vol. 346, No. 24, 2002, pp. 1845-53.		
		Picture of Biventricular Pacer manufactured by American Optical Co., American Optical Corp., Research Division, Biventricular Pacer Device, 1975.		
		ANAGNOSTOPOULOS, CE, et al., "Transvenous Coronary Sinus Pacemaker: A New Primary Approach to Heart Block in Patients with Tricuspid Prostheses," <i>The Annals of Thoracic Surgery</i> , Vol. 9, No. 3, March 1970, pp. 248-52.		
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		BERKOVITS, B, et al., "Bifocal Demand Pacing," <i>Singapore Med. J.</i> , Vol. 14, No. 3, September 1973, pp. 316-19.		
		BERKOVITS, B, "Demand Pacing," <i>Annals of New York Academy of Sciences</i> , Vol. 167, Art. 2, October 1969, pp. 891-95.		
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		BLANC JJ, et al., "Recurrent Supraventricular Tachycardia: The Efficacy of a Radio Frequency System Inserted into the Coronary Sinus," <i>Archives des Maladies du Coeur et des Vaisseaux</i> , 1978, 71:687-90.		English-language summary on page 690.
		BLANC JJ, et al., "Evaluation of Different Ventricular Pacing Sites in Patients With Severe Heart Failure: Results of an Acute Hemodynamic Study," <i>Circulation</i> , Vol. 96, No. 10, Nov. 1997, pp. 3273-77.		

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			Application Number	10/654,959	
			Filing Date	September 5, 2003	
			First Named Inventor	Morton M. Mower	
			Art Unit	3762	
			Examiner Name	Holmes, Rex R.	
Sheet	8	of	9	Attorney Docket Number	06809.0029-00000

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JDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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		Communication, mailed July 17, 2006, in European Application No. 04755341.7.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.